

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NATIONAL INFUSION CENTER
ASSOCIATION *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.¹

Case No. 1:23-cv-00707-DAE

DEFENDANTS' UNOPPOSED MOTION FOR A SIX-DAY EXTENSION OF TIME

Defendants in the above-captioned matter respectfully request a six-day extension of time to file their reply brief in support of their cross-motion for summary judgment in the above-captioned matter, which is currently due on June 27, 2025. As good cause for this request, which is unopposed, Defendants offer the following:

1. Plaintiffs filed this lawsuit on June 21, 2023. ECF No. 1. Plaintiffs bring a facial constitutional challenge to certain provisions of the Inflation Reduction Act, which was signed into law on August 16, 2022.

2. After a remand from the Fifth Circuit, the parties are currently briefing cross-motions for summary judgment. Defendants' reply in support of their cross-motion for summary judgment is currently due on Friday, June 27. *See* Order, ECF No. 67.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Robert F. Kennedy, Jr., Secretary of Health and Human Services, is automatically substituted as a defendant in his official capacity for his predecessor, Xavier Becerra. Dr. Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, is likewise automatically substituted as a defendant in his official capacity for his predecessor, Chiquita Brooks-Lasure.

3. Undersigned counsel's office within the Department of Justice—the Federal Programs Branch of the Civil Division—is currently facing an unusually large caseload of emergency motions, and has experienced a high number of departures in recent months. Of the five line attorneys at the Federal Programs Branch who were originally assigned to work on this matter, two remain.

4. Due to the press of other significant litigation deadlines that arose after the Court's most recent scheduling order (including in other constitutional challenges to the Inflation Reduction Act), as well as the need for adequate time for review within the Executive Branch, Defendants respectfully request a brief period of additional time—six days, up to and including July 3—to prepare and file their reply brief in this matter.

5. Granting this request would not affect any other deadlines in this case.

6. Before filing this motion, counsel for Defendants conferred with counsel for Plaintiffs, who reported that Plaintiffs take no position on the relief requested in this motion.

7. For these reasons, Defendants respectfully request that their reply deadline be extended by six days, to July 3, 2025.

Date: June 11, 2025

Respectfully submitted,

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